Supreme Court, U.S.
FILED
MAY 14 1980
MICHAEL RODAK, JR., CLERK

IN THE SUPREME COURT
OF THE UNITED STATES

October Term, 1979

No. 79-1738

RICHARD NIXON, Petitioner,

v.

A. ERNEST FITZGERALD, Respondent.

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE DISTRICT OF
COLUMBIA CIRCUIT

RESPONDENT'S SUPPLEMENTAL BRIEF

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Attorneys for
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DATED:

May 14, 1980

OF COUNSEL:

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RESPONDENT'S SUPPLEMENTAL BRIEF

Respondent A. Ernest Fitzgerald respectfully submits this Supplemental Brief to call the Court's attention to an intervening matter not available to the parties at the time of their last filings. In their briefs, both petitioner (Petition at 3, 7-8, 13; Reply at 5 n.1) and respondent (Opposition at 8) noted that this

case involves constitutional, statutory and common law claims, which was correct at the time the briefs were filed. However, in response to the District Court's expressed concern about the complexity of trying all of these claims to the jury and in order to simplify proposed verdict forms and jury instructions which were due to be submitted to the District Court on May 12, 1980, respondent Fitzgerald filed a paper with the District Court on Friday, May 9, 1980, voluntarily dismissing all of his common law claims. His remaining claims are based upon the First Amendment, 18 U.S.C. § 1505 and 5 U.S.C. § 7211.

Respectfully submitted,

Curtis E. von Kann

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Respondent's Supplemental Brief has been mailed, first class, postage prepaid, this 14th day of May, 1980, to R. Stan Mortenson, Esquire, Miller, Cassidy, Larroca & Lewin, Suite 500, 2555 M Street, N. W., Washington, D. C. 20037, attorney for Petitioner Nixon.

Peter Raven-Hansen

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